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EXAMINER
STRODER, CARRIE A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 April 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This is in response to the applicant's communication

filed on 23 April 2009, wherein:

   Claims 1-35 are currently pending; and

   Claims 1, 2, 7, 11, 19, 24, and 29 are currently

amended.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph

of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly
> pointing out and distinctly claiming the subject matter which the
> applicant regards as his invention.

2.   **Claims 2 and 25 are rejected** under 35 U.S.C. 112,

second paragraph, as being indefinite for failing to

particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

   Claims 2 and 25 state, "selecting an index entry from

the subset of entries," which is unclear. Examiner is

unsure who or what is selecting "an index entry".

3.   **Claims 11-18 are rejected** under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly

point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 11-18 state it is a "computer implemented method of soliciting a response" in the preamble; however, the response is not claimed in the body of the claims.

4.   **Claim 24 is rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 states, "…remote from data store…," which is confusing. Examiner is unsure whether the data store referred to in this phrase is the same data store referenced earlier in the claim or a different data store.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.   **Claims 24-35 are rejected** under 35 U.S.C. 101 because they are directed to software, per se. The claims are functional descriptive material as they are directed to a system defined merely by software or terms synonymous with software, particularly "engine."

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in

this Office action:

> (a) A patent may not be obtained though the invention is not
> identically disclosed or described as set forth in section 102 of
> this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter
> pertains. Patentability shall not be negatived by the manner in
> which the invention was made.

2.   **Claims 1-3, 6, 8-9, 19-20, 23-26, and 28 are rejected**

under 35 U.S.C. 103(a) as being unpatentable over

Hajmiragha (US 6289460).

Referring to claim 1:

Hajmiragha teaches

accessing an index stored in a first data store on a

computer storage media having one entry for each of a

plurality of RFQs, each entry including identification

information related to one of the RFQs with which it is

associated, each of the RFQs being generated by one of a

plurality of requests and stored at one of a plurality of

data stores remotely located form the first data store

(col. 2, line 50 thru col. 3, line 28 & col. 10, lines 16-

19; where "the document manager allows search against the

content of a document as well as the document attributes"

implies each entry includes identification information

related to one of the RFQ's and where "document" is

interpreted to include RFQ's);

identifying an RFQ for reply, by selecting an entry in

the index, wherein identifying an RFQ for reply includes

identifying, from information in the selected index entry,

a second data store in which the identified RFQ is stored

from one of the plurality remotely located data stores

(col. 10, lines 16-19 & col. 7, lines 11-21; where it is

implied that the location of the document is identified);

retrieving the identified RFQ from the second data

store (col. 5, lines 1-14; "users allow other interested

parties access to read-only archived documents while

maintaining security and control"); and

generating a reply to the retrieved RFQ (col. 6, lines

37-59; where "approval" and "collaboration" are interpreted

as a reply).

Referring to claims 2 and 25:

Hajmiragha teaches

filtering entries in the index of RFQ's based on

supplier filter criteria to create a subset of entries that

meet the supplier filter criteria (col. 10, lines 16-22);

and

selecting an index entry from the subset of entries

(col. 10, lines 16-22; where it is implied that an entry is

selected from the subset).

Referring to claims 3 and 26:

Hajmiragha teaches

applying detailed supplier filter criteria to the

retrieved RFQ based on a content of the retrieved RFQ (col.

10, lines 16-22).

Referring to claims 6 and 28:

Hajmiragha teaches

generating the reply comprises accessing the content

of the retrieved RFQ (col. 6, lines 37-59; where "review"

implies that the content of the RFQ is accessed);

and generating the reply based on the content of the

RFQ (col. 6, lines 37-59; where "approval" and

"collaboration" imply that the reply is based upon the

contents of the document).

Referring to claim 8:

Hajmiragha teaches

accessing the index over a global computer network

(col. 2, lines 51-55; where "internet" is interpreted as a

global computer network).

Referring to claim 9:

Hajmiragha teaches

retrieving the identified RFQ from the data store at
the requester over a global computer network (col. 5, lines
1-14).

Referring to claim 19:

Hajmiragha teaches

receiving indexing information for each RFQ from the
requester without prompting of the requester, the indexing
information being indicative of the RFQ stored at requester
data store local to the computer system at the requester
(col. 7, lines 10-21; where "document" is interpreted as
including an RFQ); and

entering an entry in a data store on a computer
storage media remote from the requester computer system for
each RFQ in an index based on the index information, the
entry being indicative of a category of a corresponding RFQ
on the requester data store, the index being exposed to
access by suppliers (col. 7, lines 10-21 and col. 6, lines
9-19; where "content indexing" is interpreted to include an
entry indicative of a category of a corresponding RFQ).

Referring to claim 20:

Hajmiragha teaches

for each entry in the index, including filter criteria

accessible by the suppliers to identify RFQs for reply

(col. 10, lines 16-22).

Further, "to identify RFQs for reply" is a statement

of intended use. Statements of intended use do not limit

the scope of a claim or claim limitation. See MPEP 2106.

Referring to claim 23:

Hajmiragha teaches

the indexing information be received from a remote

requester over a network (col. 7, lines 11-21).

Referring to claim 24:

Hajmiragha teaches

an RFQ reply engine configured to access an index of

RFQs stored on a data store, the index including entries

provided by a computer system at a requester remote from

data store without prompting (col. 2, line 50 thru col. 3,

line 28 & col. 10, lines 16-19; where "the document manager

allows search against the content of a document as well as

the document attributes" implies each entry includes

identification information related to one of the RFQ's and

where "document" is interpreted to include RFQ's), identify

an RFQ for reply (col. 10, lines 16-19 & col. 7, lines 11-

21; where it is implied that the location of the document

is identified), retrieve the identified RFQ from the

computer system at the requester (col. 5, lines 1-14;

"users allow other interested parties access to read-only

archived documents while maintaining security and

control"), and generate a reply to the retrieved RFQ (col.

6, lines 37-59; where "approval" and "collaboration" are

interpreted as a reply).

3.   **Claims 4-5, 10-15, 21-22, 27, and 29-32 are rejected**

under 35 U.S.C. 103(a) as being unpatentable over

Hajmiragha (US 6289460) in view of Han et al. (US

20020052807).

   Referring to claim 4 and 27:

   Hajmiragha does not teach; however, Han teaches

      generating a reply to the retrieved RFQ only if it

meets the detailed supplier filter criteria (paragraph

102).

   It would have been obvious for a person of ordinary

skill in the art (PHOSITA) at the time of invention to

modify the teachings of Hajmiragha as taught by Han because

this would provide a way to determine if a reply should be

generated.

   Referring to claim 5:

   Hajmiragha does not teach; however, Han teaches

transmitting the reply to the requester that generated

the retrieved RFQ (paragraph 102).

It would have been obvious for a person of ordinary

skill in the art (PHOSITA) at the time of invention to

modify the teachings of Hajmiragha as taught by Han because

this would provide a way to inform the requester of the

reply.

Referring to claim 10:

Hajmiragha does not teach; however, Han teaches

prior to accessing the index, providing supplier

registration information to a registration component; and

(paragraphs 98-99; where it is implied that a "community

participant" registers to become a community participant).

downloading a reply engine, the reply engine accessing

the index (paragraphs 98-99; where it is inherent in using

the "RFQ find web page" that the information be

downloaded).

It would have been obvious for a person of ordinary

skill in the art (PHOSITA) at the time of invention to

modify the teachings of Hajmiragha as taught by Han because

this would provide a way to receive necessary information

regarding a supplier and allow a supplier to provide

replies to the RFQs.

Referring to claim 11:

Hajmiragha teaches

saving the RFQ template at a predetermined location in a data store local to a computer system at the requester, such that the RFQ template is exposed for downloading to a supplier for generation of a reply (col. 7, lines 10-21; where "document" is interpreted as including an RFQ template).

sending indexing information for computer implemented indexing of the RFQ template to an index remote from the computer system of the requester when the RFQ template is saved without prompting from the remote index (col. 7, lines 10-21).

Han teaches

entering the job information into a predetermined RFQ template (paragraph 93; where "using the RFQ create/edit web page" is interpreted as an RFQ template).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha as taught by Han because this would provide a way to receive necessary information regarding an RFQ.

Referring to claim 12:

Hajmiragha does not teach; however, Han teaches

prior to entering the job information, providing

supplier registration information to a registration

component (paragraphs 98-99; where it is implied that a

"community participant" registers to become a community

participant).

downloading an RFQ generation engine, the RFQ

generation engine sending the indexing information

(paragraphs 93-94 and 106; where it is inherent in using

the "RFQ create/edit web page" that the information be

downloaded).

Referring to claims 13 and 30:

Hajmiragha does not teach; however, Han teaches

entering requester filter criteria indicative of

suppliers authorized to reply to the RFQ template

(paragraph 94; "participant defines which suppliers are to

receive the new RFQ packet").

Referring to claims 14 and 31:

Hajmiragha does not teach; however, Han teaches

sending requester filter criteria indicative of

suppliers authorized to reply to the RFQ template

(paragraph 94; "participant defines which suppliers are to

receive the new RFQ packet").

Referring to claims 15 and 32:

Hajmiragha does not teach; however, Han teaches

receiving a reply to the RFQ template from a supplier

(paragraph 96).

Referring to claim 21:

Hajmiragha does not teach; however, Han teaches

wherein receiving the indexing information includes

receiving an identifier of a specific supplier (paragraphs

94 and 104-106).

It would have been obvious for a person of ordinary

skill in the art (PHOSITA) at the time of invention to

modify the teachings of Hajmiragha as taught by Han because

this would provide a way to receive necessary information

regarding a supplier.

Referring to claim 22:

Hajmiragha does not teach; however, Han teaches

the specific supplier be notified when the RFQ

identifying the supplier is indexed (paragraph 94).

It would have been obvious for a person of ordinary

skill in the art (PHOSITA) at the time of invention to

modify the teachings of Hajmiragha as taught by Han because

this would provide a way to generate a response from a

supplier once the RFQ is indexed; otherwise the supplier

may be unaware that an RFQ he may wish to respond to has

been indexed.

Referring to claim 29:

Hajmiragha teaches

save the RFQ template at a predetermined location in a

data store on a computer storage medium local to a computer

system at the requester, such that the RFQ template is

exposed for downloading to a supplier for generation of a

reply (col. 7, lines 10-21; where "document" is interpreted

as including an RFQ template), and sending indexing

information for computer implemented indexing of the RFQ

template at an index on a remote computer system without

prompting from the remote computer system (col. 7, lines

10-21).

Han teaches

An RFQ generation engine configured to receive job

information into a predetermined RFQ template (paragraph

93; where "using the RFQ create/edit web page" is

interpreted as an RFQ template).

It would have been obvious for a person of ordinary

skill in the art (PHOSITA) at the time of invention to

modify the teachings of Hajmiragha as taught by Han because

this would provide a way to receive necessary information

regarding an RFQ.

4.   **Claims 7, 16-18, and 33-35 are rejected under 35**

U.S.C. 103(a) as being unpatentable over Hajmiragha (US

6289460) in view of Han et al. (US 20020052807), and futher

in view of Heimermann et al. (US 7110976).

   Referring to claim 7:

   Hajmiragha and Han do not teach; however Heimermann

teaches

   automatically generating the reply based on the

content of the RFQ (paragraphs 181-182).

   It would have been obvious for a person of ordinary

skill in the art (PHOSITA) at the time of invention to

modify the teachings of Hajmiragha and Han as taught by

Heimermann because this provides a more cost effective

supplier sourcing system.

   Referring to claims 16 and 33:

   Hajmiragha and Han do not teach; however Heimermann

teaches

   entering award criteria indicative of criteria

considered in awarding a job corresponding to the RFQ to a

supplier (paragraph 183).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha and Han as taught by Heimermann because this provides a more cost effective supplier sourcing system.

Referring to claims 17 and 34:

Hajmiragha and Han do not teach; however Heimermann teaches

evaluating the received reply based on the award criteria (paragraph 183); and

suggesting a winning supplier based on the evaluation of the award criteria (paragraph 183).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha and Han as taught by Heimermann because this provides a more cost effective supplier sourcing system.

Referring to claims 18 and 35:

Hajmiragha and Han do not teach; however Heimermann teaches

weighting the award criteria according to a predetermined weight (paragraph 183; the system primarily makes awards based on price, but also "factors in" other

considerations, which necessarily requires assigning a predetermined weight to the considerations).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha and Han as taught by Heimermann because this provides a more cost effective supplier sourcing system.

Response to Arguments

1.   Applicant's arguments filed 23 April 2009 with regards to the claim rejections of claims 11-18 under 35 USC 112 have been fully considered but they are not persuasive. Examiner still finds it confusing that applicant's claims are directed to a method for soliciting a response, yet recites no answering response, nor even the possibility of one. The preamble does not seem connected to the limitations of the claim. Therefore, Examiner maintains the rejection.

2.   Applicant's arguments filed 23 April 2009 with regards to the claim rejections of claims 24-35 under 35 USC 101 have been fully considered but they are not persuasive. Applicant argues that the claims are not directed to software per se as a computer storage medium is recited in the claims. However, the "data store" recited in the

claims modifies an "index of RFQs"; it is the index which

is stored on the data store. However, Examiner has pointed

out to applicant that the "RFQ reply engine" is the

language which is associated with software per se.

Further, the reply engine is not limited to being stored on

a computer storage medium, either in the claims, or in the

specification. Nor is there any other structure recited in

the specification to limit the "reply engine" to patentable

subject matter, such as an apparatus or a machine.

Therefore, Examiner maintains the rejection.

3.   Applicant's arguments with respect to the claim

rejections under 35 USC 103 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

4.   Applicant's amendment necessitated the new ground(s)

of rejection presented in this Office action. Accordingly,

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final

action is set to expire THREE MONTHS from the mailing date

of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the

advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened

statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the

statutory period for reply expire later than SIX MONTHS

from the date of this final action.

Contact

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to

CARRIE A. STRODER whose telephone number is (571)270-7119.

The examiner can normally be reached on Monday - Thursday

8:00 a.m. - 5:00 p.m. ET.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Jan Mooneyham can

be reached on (571)272-6805. The fax phone number for the

organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may
be obtained from the Patent Application Information
Retrieval (PAIR) system. Status information for published
applications may be obtained from either Private PAIR or
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assistance from a USPTO Customer Service Representative or
access to the automated information system, call 800-786-
9199 (IN USA OR CANADA) or 571-272-1000.

/CARRIE A. STRODER/
Examiner, Art Unit 3689

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